

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

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 FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

In the Matter of)	
)	
Federal-State Joint Board on)	
Universal Service:)	CC Docket No. 96-45
)	
Requests to Redefine "Voice Grade)	DA 99-2985
Access" for Purposes of Federal)	
Universal Service Support)	

COMMENTS OF WESTERN WIRELESS CORPORATION

Western Wireless Corporation ("Western Wireless") hereby comments on the proposals to modify the definition of "voice grade access" in the Commission's rules regarding designation of eligible telecommunications carriers ("ETCs") for federal universal service support, as set forth in the Public Notice released December 22, 1999. 1/ Western Wireless has concerns about the potential detriments of the proposed change, and whether the proposal would translate into any significant public interest benefit. 2/

1/ Public Notice, *Common Carrier Bureau Seeks Comment on Requests to Redefine "Voice Grade Access" for Purposes of Federal Universal Service Support*, CC Docket No. 96-46, DA 99-2985 (rel. Dec. 22, 1999) ("Public Notice").

2/ Western Wireless has commenced a significant analytical effort to consider the proposed rule change in the context of competitive and technological neutrality in the provision of universal service, and intends to provide a more detailed assessment in the reply round of this proceeding.

The Commission's basis for adopting the current voice grade access standard in Section 54.101(a) of the rules, which determines whether or not a carrier can be designated as an ETC and receive federal universal service support, remains valid:

We did not intend to impose a more onerous definition of voice grade access than those generally established under existing industry standards, and conclude that our decision here will ensure that consumers receive voice grade access at levels that are consistent with Commission rules and that are not incompatible with current industry guidelines. . . . [W]e are concerned that . . . a substantial number of otherwise eligible carriers may be unable to qualify for universal service support if we were to require all carriers to meet [a more challenging] standard as a condition of eligibility. 3/

Western Wireless has repeatedly raised concerns about the difficulties new entrants are experiencing in obtaining ETC designation, due in part to policies and procedures that violate the goals of competitive and technological neutrality. In that context, the Commission should be extremely wary about taking any steps that might make it more difficult for carriers to qualify as ETCs, which could reduce the number of eligible universal service providers. This, in turn, would diminish competition in rural and high-cost areas and thereby harm consumers in those areas. Any new technical standard must be assessed in the context of its impact on wireless carriers, and not just its impact on incumbent local exchange carriers ("ILECs").

3/ *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Fourth Order on Reconsideration, 13 FCC Rcd 5318, 5329, ¶ 16 (1997).

Moreover, it is unclear that the suggested modifications to the voice grade access standards are needed to create incentives for deployment of advanced services to rural America. There is strong evidence that carriers *already* have ample incentives to deploy higher-speed transmission services throughout the country. Indeed, under similar circumstances, the Commission recently rejected certain policy proposals that a number of ILECs had claimed were needed to stimulate deployment of data networks in rural areas. ^{4/} The Commission held that those proposals would only restrict competition, and that carriers already had ample incentives to upgrade their networks to deploy advanced data services across the country, including in rural areas. ^{5/}

In sum, Western Wireless cautions the Commission against taking any action that would result in unintended consequences to the detriment of rural consumers.

^{4/} *Deployment of Wireline Services Offering Advanced Telecommunications Capability*, 13 FCC Rcd 24011 (1998).

^{5/} *Id.* at 24048-50, ¶¶ 79, 82; *Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996*, Report, 14 FCC Rcd 2398, 2431-39, ¶¶ 62-80 (1999).

Respectfully submitted,

**WESTERN WIRELESS
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